



DNK-1998-055-PA-DIV2:JBM:138914

Atty. Dkt. 4002-2533

#3

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **INTERBODY FUSION GRAFTS AND INSTRUMENTATION**, the specification of which

(check one) [ ] is attached hereto.

[X] was filed on 5/30/01 under Express Mail Label No. EM372933019US.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	Priority Claimed
US98/17769      PCT (Number)      (Country)	August 27, 1998 (Day/Month/Year Filed) X Yes      No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/181,353      October 28, 1998      Issued  
(Application Serial No.) (Filing Date)      (Status - patent/pending/abandoned)

09/698,623      October 27, 2000      Pending  
(Application Serial No.) (Filing Date)      (Status - patent/pending/abandoned)

09/701,933      December 1, 2000      Pending  
(Application Serial No.) (Filing Date)      (Status - patent/pending/abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:  
Harold R. Woodard 16,214; C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123, Spiro Bereveskos 30,821; William F. Bahret 31,087; Clifford W. Browning 32,201; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas 35,714; Kurt N. Jones 37,996; John H. Allie 39,088; Holiday W. Banta 40,311; Troy J. Cole 35,102; L. Scott Paynter 39,797; Charles J. Meyer 41,996; Matthew R. Schantz 40,800; Gregory B. Coy 40,967; Lisa A. Hiday 40,036; John V. Daniluck 40,581; Christopher A. Brown 41,642; C. John Brannon 44,557; Arthur J. Usher IV 41,359; Douglas A. Collier 43,556; Brad A. Schepers 45431; Scott J. Stevens 29,446; James B. Myers 42,021; John M. Bradshaw P-46,573; Charles P. Schmal 45,082; Edward E. Sowers 36,015.

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James B. Myers Jr.  
Woodard, Emhardt, Naughton, Moriarty & McNett  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Charles L. Branch**

Inventor's

Signature:

Date of Signature:

Residence: 177 Plantation Lane, Advance, NC 27006

Citizenship: United States of America

Post Office Address: 177 Plantation Lane, Advance, NC 27006

Full name of second inventor: **Mingyan Liu**

Inventor's

Signature:

Date of Signature:

29/08/2001

Residence: 41 rue de la Fontaine Grelot, 92340 Bourg La Reine, FRANCE

Citizenship: People's Republic of China

Post Office Address: 41 rue de la Fontaine Grelot, 92340 Bourg La Reine, FRANCE

Residence: 74 Avenue du Petit Chambord, 92340 Bourg la Reine

Citizenship: France

Post office: 74 Avenue du Petit Chambord, 92340 Bourg la Reine

Full name of third inventor: **Lawrence M. Boyd**

Inventor's

Signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_

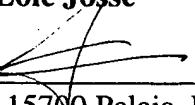
Residence: 25 Birnham Lane, Durham, NC 27707

Citizenship: United States of America

Post Office Address: 25 Birnham Lane, Durham, NC 27707

Full name of four inventor: **Loic Josse**

Inventor's

Signature:  Date of Signature: 30/08/01

Residence: 13 La Plana, 115700 Palaja, France

Citizenship: France

Post Office Address: 13 La Plana, 115700 Palaja, France



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Full name of first inventor: **Charles L. Branch**

Inventor's

Signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
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Full name of second inventor: **Mingyan Liu**

Inventor's

Signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
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Citizenship: People's Republic of China  
Post Office Address: 41 rue de la Fontaine Grelot, 92340 Bourge La Reine, FRANCE

Full name of third inventor: **Lawrence M. Boyd**

Inventor's

Signature:

Residence: 25 Birnham Lane, Durham, NC 27707

Citizenship: United States of America

Post Office Address: 25 Birnham Lane, Durham, NC 27707

Date of Signature: August 29, 2001

Full name of four inventor: **Loic Josse**

Inventor's

Signature:

Date of Signature:

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Citizenship: France

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